

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.863 of 2014

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Yogendra Pandey Son Of Godhenath Pandey Resident Of Village-
Misrawalia, P.S. (Misrawali) Bhore, District- Gopalganj

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. A.H.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 05-08-2015

The S.P., Siwan is present along with the affidavit to the effect that no case is pending against the petitioner except the present one in the district of Siwan. So far Bhorey P.S. Case No. 118 of 1991 is concerned the said P.S. falls in the jurisdiction of district Gopalganj.

In the circumstances, the appearance of S.P., Siwan is dispensed with.

The petitioner was granted anticipatory bail vide order dated 30.09.2013 passed in Cr. Misc. No. 25452 of 2013 in connection with Complaint Case No. 668 of 2005 filed with accusation under Sections 120B, 376, 323, 341, 379, 426, 354 of the IPC and 27 of the Arms Act.

The prosecution case is that one Harendra

Pandey and other co-accused took the complainant in the Bolero vehicle to establish forceful physical relationship with her. It is alleged against the petitioner that he assisted the main accused to commit the offence. It is also alleged that the petitioner snatched gold chain and Rs.500/- from the complainant.

It is submitted by learned counsel for the petitioner that initially the complaint case was dismissed vide order dated 02.08.2005 under Section 203 of the Cr.P.C. Subsequently, the cognizance was taken in pursuance to the revisional order. Moreover, the accusation has been levelled in the background of land dispute. A statement was made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent, when the petitioner was granted anticipatory bail.

The present modification application has been filed on 06.01.2014 for extending the period of surrender and modifying the order dated 30.09.2013 passed in Cr. Misc. No. 25452 of 2013 to the extent that petitioner is accused in one other case being Bhorey P.S. Case No. 118 of 1991, though, before disposal of the earlier application, it is submitted that a supplementary affidavit was filed to the effect that petitioner is accused in one other case but wrong number was given being Bhorey P.S. Case No. 105 of 2011.

This Court is not inclined to modify the order dated 30.09.2013 passed in Cr. Misc. No. 25452 of 2013.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the fact that on merits the petitioner was granted anticipatory bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 668 of 2005 pending in the court of learned Judicial Magistrate, Ist Class, Siwan.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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